

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: DECEMBER 17, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-36564 - APPLICANT: MARICARMEN SORIA - OWNER: BONANZA SUNRISE, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale Establishment use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All beer and wine coolers shall remain in their original manufacture's configuration of four- or six- packs.
4. The sale of single beers, malt beverages, or wine coolers of any size with alcohol by volume greater than 6% shall be prohibited. The sale of wines with an alcohol by volume of greater than 16% shall be prohibited.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment with a Waiver to allow a 195-foot distance separation from an existing school, within an existing restaurant at 4800 East Bonanza Road, Suite #9. The Beer/Wine/Cooler On-Sale use will be ancillary to the existing restaurant. Since the proposed use fails to meet the Title 19.04.010 minimum Special Use Permit requirement, which requires a 400-foot distance separation from a school, staff recommends denial of the request. If denied the restaurant will be unable to serve alcoholic beverages.

ISSUES

- The proposed use fails to meet the minimum 400-foot distance separation requirement from a school.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
06/13/63	The Board of Commissioners approved a reclassification of property (Z-0093-63) from R-R (Rural Residence) to R-E (Residence Estates) on property generally located between Pecos Drive on the west, Owens Avenue on the north, Nellis Boulevard on the east and Charleston Boulevard on the south. The Planning Commission recommended approval of the request.
09/24/85	The City Council approved a request for a Plot Plan Review (Z-0043-85) for a proposed Child Care Center for approximately 115 children on property located on the north side of Bonanza Road, west of Lillian Street. The Planning Commission recommended approval of the request.
01/11/99	The City Council approved a request for a Rezoning (Z-0082-98) from R-E (Residence Estates) to C-1 (Limited Commercial) on property located on the north side of Bonanza Road, approximately 800 feet east of Marion Drive. The Planning Commission recommended denial of the request.
02/11/99	The Planning Commission approved a request for a Site Development Plan Review [Z-82-98(1)] for a proposed 31,144 square-foot commercial center on property located on the north side of Bonanza Road, approximately 800 feet east of Marion Drive.
<i>Related Building Permits/Business Licenses</i>	
07/19/99	A Building Permit (#99014004) was issued for On-site Improvements at 4800 East Bonanza Road. This permit was finalized on 12/30/99.
	A Building Permit (#99014001) was issued for New Office/Retail Building #1 at 4800 East Bonanza Road. This permit was finalized on 12/30/99.

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08/17/99	A Building Permit (#99016367) was issued for a Retaining Wall at 4800 East Bonanza Road. This permit was finalized on 12/30/99.
03/23/00	A Building Permit (#5380) was issued for a Tenant Improvement at 4800 East Bonanza Road, Suite #9. This permit was expired on 12/09/00.
06/05/00	A Building Permit (#10799) was issued for a Sign at 4800 East Bonanza Road, Suite #9. This permit was expired on 12/09/00.
04/17/06	A Business License (#R07-00420) was issued for a Restaurant with seating fewer than 45 at 4800 East Bonanza Road, Suite #9. The license was marked out on 04/27/07.
05/16/07	A Business License (#R07-00770) was issued for a Restaurant with seating fewer than 45 at 4800 East Bonanza Road, Suite #9. The license is still active.
<i>Pre-Application Meeting</i>	
10/16/09	<p>A pre-application meeting with the applicant was held where elements of submitting a Special Use Permit for Beer/Wine/Cooler on Sale were discussed. Topics included:</p> <ul style="list-style-type: none"> • Title 19.04 Minimum Special Use Permit requirements • Application materials • Meeting dates and deadlines
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one conducted.	
<i>Field Check</i>	
11/12/09	A field check was conducted by staff. A well maintained retail development was observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.17 Acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single-Family Residences	R (Rural Density Residential)	R-E (Residence Estates)
South	Mini-Storage	SC (Service Commercial)	C-1 (Limited Commercial)
	Multi-Family Residences	H (High Density Residential)	R-5 (Apartment)
East	Commercial Development	SC (Service Commercial)	C-1 (Limited Commercial)
West	Las Vegas Wash (Drainage Channel)	PF (Public Facilities)	ROW

JB

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is a request for a Special Use Permit for a Beer/Wine/Cooler On-Sale Establishment with a Waiver to allow a 195-foot distance separation from an existing school, within an existing restaurant at 4800 East Bonanza Road, Suite #9. The proposed Beer/Wine/Cooler On-Sale use is ancillary to the existing restaurant use and will require no additional on-site parking. The proposed use fails to meet the minimum Special Use Permit requirement listed in Title 19.04.010, which requires a 400-foot distance separation from a school, therefore; staff recommends denial of the request.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed land use cannot be conducted in a manner which is harmonious and compatible with the existing surrounding land uses, which is substantiated by the requested Waiver of Title 19.04.010 standards to allow a 195-foot distance separation from a school where 400 feet is required.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type of land use proposed; however, it does not meet distance separation requirements from other protected uses.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

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The subject site is accessed from Bonanza Road, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. This street provides adequate access to and from the subject property.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposal conforms to the goals and objectives of the General Plan. As such, it will not endanger the public health, safety, or welfare of the populace.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use fails to meet the minimum Special Use Permit requirement listed in Title 19.04.010, which requires a 400-foot distance separation from a school.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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NOTICES MAILED 590

APPROVALS 0

PROTESTS 4